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*Spauld***ETHYL CORPORATION**

LAW DEPARTMENT

March 2, 1984

ETHYL TOWER
481 FLORIDA
BATON ROUGE, LA. 70801

Thomas W. Daggett, Esq. - 286-6729
Assistant Regional Counsel
U.S. Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604

Dear Mr. Daggett:

This letter is a follow-up to our meeting of February 23-24, 1984 at the Edwin Cooper, Inc. plant in Sauget, Illinois and our telephone conversation of February 28, 1984. Edwin Cooper, Inc. is a wholly-owned subsidiary of Ethyl Corporation.

As you have been informed, Edwin Cooper, Inc. purchased the plant from Monanto in 1971. Edwin Cooper, Inc. has not manufactured or processed 2,4,5 T or 2,4,5-TCP during its ownership of the plant. Presumably the trace of 2378-TCDD resulted from Monsanto's handling of 2,4,5 T on site.

At the meeting we visited the portions of the plant where 2378-TCDD has been found. In addition to the plant maps identifying the sampling sites and results that we voluntarily conducted and that we had previously supplied, we provided you with the analytical reports themselves. You reported that samples taken in the Rush City area contained no detectable 2378-TCDD.

Edwin Cooper, Inc. agreed voluntarily to take and analyze surface and near-surface samples from 18 additional locations and sediment samples from storm sewers on the plant grounds in order to further refine the area of concern. The locations and methodology of that sampling, including quality assurance, are being submitted by Mr. McWilliams under separate cover. We also agreed to analyze one additional off-plant sample taken by U.S. EPA and/or Illinois EPA. (Although you requested a full priority pollutant scan, we agreed to analyze only for 2378-TCDD and other compounds that may be related to the handling of 2,4-D and 2,4,5-T.)

You asked that we install 3 forty foot ground water monitoring wells. Since 1) to the best of our knowledge, there was only incidental surface spillage associated with Monsanto's production of 2,4-D and mixture of 2,4-D with 2,4,5-T, 2) 2378-TCDD is insoluble in water, 3) there is a lack of knowledge of the geohydrology in the area, 4) there is difficulty in drilling wells without causing movement of contaminants at the ppb level, and 5) there are no known wells in the area, we thought groundwater monitoring, especially at 40 feet, was inappropriate. Instead we agreed voluntarily to examine and report on the known geohydrology of the area. You agreed that U.S. EPA and Illinois EPA would provide what information they can on the geohydrology.

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We agreed voluntarily to determine, if possible, the disposition of the unit 268 manufacturing equipment and building. We have determined that the equipment was very clean at the time of the demolition, and the identity of the contractor. We will supply additional information as it becomes available.

We agreed voluntarily to determine whether the storm sewers that had been replaced in the last 2 years remained in place, and if not, to determine, if possible, the disposition. We have determined that they did remain in place and were capped off and are no longer in use.

We agreed voluntarily to give you a detailed description of the work that is to be done in order to complete the construction project that was interrupted when the presence of 2378-TCDD was confirmed. That description, along with a health and safety plan, is being submitted by Mr. McWilliams under separate cover. We agreed voluntarily that the project would not include the placement of substantial facilities, such as storage tanks, in a way that would prevent reasonable access to soil that may be contaminated.

On February 24th while you were present, a construction laborer with a shovel leveled a small and slightly irregular portion of the construction site in order to provide a surer footing for a backhoe. The backhoe commenced digging for several minutes before being stopped by me. The scoop was emptied on the construction site and the backhoe and laborer left the area. We subsequently learned that the contractor's supervisor had acted on his own, without instructions from Edwin Cooper, Inc., to level off the accumulated dirt. The contractor was not on site for the completion of the interrupted construction project, but has other on-going construction projects not involving the interrupted work. No work has been done on the interrupted construction project since the presence of 2378-TCDD was confirmed. All supervisory employees, including all on-site contractors, have again been informed that no activity is to be conducted in the roped off areas of the interrupted construction project without express direction from the plant manager.

In order to end the surface exposure of 2378-TCDD, and the possibility of human error, we believe that the most prudent remedial action is to complete the interrupted construction project and cover with asphalt or rock the areas suspected to have 2378-TCDD present. Accordingly, as expeditiously as possible, we will approach contractors and negotiate contracts for the completion of the work, in accordance with the description of work and health and safety plan. Since we view this as the most prudent step to minimize environmental exposure, you agreed that U.S. EPA will review the description of work and health and safety plan promptly. Since you, in our telephone conversation, emphasized several times the sense of urgency your agency has concerning the site, we assume that the review will be done on a priority basis with immediate turn-around.

Since the construction project will entail moving dirt that may be contaminated with 2378-TCDD, we will separately notify the Assistant Administrator under the terms of 40 CFR part 775, even though we don't concede the applicability of that part to this project.

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We agreed to perform an examination of potential remedial actions (i. e. a feasibility study) other than, or in addition to, the completion of the construction project and the covering of exposed dirt. That review will be forwarded as soon as possible. You indicated in our telephone conversation that a full scale feasibility study would be required. However, the "Dioxin Strategy" (Nov. 28, 1983), at p. ii, states that "EPA will also be evaluating different alternatives for containing and eventually disposing of soils and wastes contaminated with 2378-TCDD". This thought is repeated at p. 4, and 19-20. We do not think that the full scale feasibility study is warranted at this time or required by the strategy.

You told me in our telephone conversation that it would not be necessary to commit to implementation of a remedial action plan at this time.

You expressed the U.S. EPA's desire to incorporate the above agreements into a CERCLA 106(a) consent order because of U.S. EPA's strategy. However, that strategy does not require such an order. The Strategy indicates at p. 33 that four enforcement options should be pursued where the PRPs decline to take the necessary remedial investigation activities. Without conceding that it is a responsible party, Edwin Cooper, Inc. has agreed to take what it feels are the necessary remedial investigations. Although you have suggested additional studies, it is questionable in our minds whether these studies are necessary. Rather than focus on enforcement options, which your oft-referenced Strategy indicates are not always appropriate, we again urge that you focus on the site-specific necessities and discuss these in detail. Edwin Cooper, Inc. has not refused to take actions or studies that it feels are necessary to study and correct the problem. Although I have indicated there are limits to what Edwin Cooper, Inc. will do voluntarily without the support of Monsanto, the owner and operator of the plant at the time that the 2,4,-D was mixed with 2,4,5-T, those limits have not been crossed. In order to fulfill the requirements of CERCLA 104(a) and in fairness, I suggest that you notify Monsanto formally of our actions to date and ask that they join in the discussions of additional studies or actions other than those agreed upon above that may be judged to be necessary for this site.

In closing, I recall your repeated references in our telephone conversation about the urgency that your agency places on this situation. We share your sense of urgency. There is a fine line, however, between urgency and hysteria. I trust that you and your agency will join us and Monsanto in acting reasonably and responsibly in promptly dealing with this situation and without preconceived and inappropriate enforcement demands that impede environmentally sound solutions.

Sincerely yours,

ETHYL CORPORATION



By: David C. Bach
Assistant Counsel

DCB:nm
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K. Mensing, IEPA
N. Niedergang, U.S. EPA
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